

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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X

UNITED STATES OF AMERICA

-v.-

**10 CR 433 (KAM)**

**JONATHAN BRAUN,**

**DECLARATION**

*Defendant.*

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X

**JOHN MERINGOLO** says under penalty of perjury per 28 U.S.C. § 1746:

1. I am an attorney admitted to practice in this Court.
2. I represented Jonathan Braun in the captioned case.
3. I submit this affidavit in support of Mr. Braun's motion to vacate his 10-year sentence based on ineffective assistance of counsel.
4. Prior to Mr. Braun's May 28, 2019 sentencing, I was unaware of the Aug. 2018 and April 2019 anonymous letters filed against him with this Court.
5. I was unaware of the anonymous letters, filed under seal, because copies were forwarded by the prosecutor and the Court's Case Manager to an email address ([john@meringoloesq.com](mailto:john@meringoloesq.com)) that I don't normally use. In addition, I took several weeks off – to recuperate from

grueling back-to-back trials and attend to a medical emergency – ahead of my May 11, 2019 wedding.

6. Unaware of the letters' existence, I never disclosed it to Mr. Braun or reviewed them with him. Nor did I discuss with him the letters' contents or a potential response.

7. Mr. Braun's case was before the court roughly nine years, and his sentencing was postponed multiple times. Though his ultimate sentencing hearing was to take place while I was honeymooning in Europe, I did not seek to postpone it again.

8. Rather, expecting the sentencing to be routine and uneventful – [REDACTED] – I had a young associate attorney, Anjelica Cappellino, handle it in my absence.

9. Unaware of the anonymous letters' existence, I never disclosed it to Ms. Cappellino or reviewed them with her either. Nor did I discuss with her the letters' contents or a potential response.

**WHEREFORE**, for the reasons stated in the accompanying memorandum, I respectfully ask this Court to vacate the 10-year sentence previously imposed and sentence Mr. Braun anew.

Dated: Brooklyn, New York  
Oct. 1, 2019



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**JOHN MERINGOLO**